

October 5, 2016

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Carryout Bags.

WHEREAS, the intent of this ordinance is to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with carryout bags; and

WHEREAS, most carryout bags made from either plastic, paper or other materials do not readily decompose and contribute to problematic litter because of their lightweight, allowing them to be blown onto sidewalks, into trees, into the ocean and onto the beaches, as well as into the streets blocking storm drains; and

WHEREAS, it is our finding that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within our City; and

WHEREAS, it is the desire of this City Council and this Administration to join in this growing national environmental movement and to be the first municipality in Nassau County to enact this important green initiative, in our continuing efforts to improve the quality of life for our residents and to care for our local environment; and

WHEREAS, there has been presented to this Council the following proposed Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: CARRYOUT BAGS.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, that the City Council adopts this resolution making a SEQRA environmental determination that the proposed Code Amendment will not have a significant effect on the environment and issues a negative declaration; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach the title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New York, on October 18, 2016 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: CARRYOUT BAGS.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 14, Article VII, entitled “Television Sales and Services” of the Code of Ordinances of the City of Long Beach, shall be repealed, rescinded and revoked, as this Article was codified in 1957 and is no longer germane and applicable, and shall be replaced with a new Article VII entitled “Carryout Bags”, to be added to Chapter 14, to read as follows:

“Chapter 14. LICENSES AND BUSINESS REGULATIONS.

Article VII. Carryout Bags.

Sec. 14-133. Legislative Intent

This Article is enacted to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with carryout bags. Most carryout bags made from either plastic, paper or other materials do not readily decompose and contribute to problematic litter because of their lightweight, allowing them to be blown onto sidewalks, into trees, into the ocean and onto the beach, as well as into the streets blocking storm drains. The City finds that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within our City.

Sec. 14-134. Definitions.

As used in this Article, the following terms shall be defined as follows:

Business Establishment shall mean any business required to be licensed pursuant to Section 14-15 of this Chapter that provides carryout bags to its customers.

Carryout Bag shall mean a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

Exempt Bag shall mean any of the following: (i) a bag without handles that is used to carry produce, meats, loose baked goods, loose dry goods, dry cleaning, newspaper delivery bags, liquor store sales, flowers or other non-prepackaged food items to the point of sale within a store or market, or to prevent such items from coming in direct contact with other purchased items or (ii) a bag provided by a doctor, pharmacist or veterinarian to carry prescription drugs.

Reusable Carryout Bag shall mean a carryout bag with handles that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable fabric or (ii) made of durable plastic that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

Sec. 14-135. Fee and Fee Exemptions.

(a) **Fee:** Business establishments shall charge a fee of not less than five (5) cents for each carryout bag provided to any person. City run facilities, City sponsored events and any event held on City property shall also charge a fee of not less than five (5) cents for each carryout bag provided to any person.

No business establishment shall charge this fee for an exempt bag. All monies collected shall be retained by the business establishment.

(b) Fee Exemptions:

(1) All business establishments that provide carryout bags to customers shall provide said bags free of charge for items purchased by any person using the New York State Supplemental Nutrition Assistance Program (SNAP) or New York State Special Supplemental Nutrition Program for Women, Infants and Children (WIC), as full or partial payment.

(2) No business establishment shall charge a fee or prevent a customer from using a bag of any kind that they have brought for the purposes of carrying goods from such business establishment.

Sec. 14.136. Regulations.

(a) All business establishments shall post signs at or near points of sale located in such establishments to notify customers of the provisions of this Article.

Sec. 14-137. Penalties for offenses.

(a) A fine may be imposed upon any business establishment that has provided a carryout bag to a customer in violation of this Article, as follows:

- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
- (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation;
- (3) A fine not exceeding two hundred fifty dollars (\$250.00) for a third violation and subsequent violations.

(b) In the event of a continuing violation, each day such offense continues shall constitute a separate additional violation.”

Sec. 2. This Ordinance shall take effect April 22, 2017 (Earth Day).